

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**COMMONWEALTH INSURANCE  
COMPANY as Subrogee of THOMSON  
CORPORATION d/b/a CREATIVE  
SOLUTIONS,**

**Plaintiff,**

**Case No. 04-70265**

**v.**

**HONORABLE DENISE PAGE HOOD**

**GLEASON CONSTRUCTION CO., INC.,  
and SM&P UTILITY RESOURCES, INC.,**

**Defendants.**

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**ORDER DENYING SM&P UTILITY RESOURCES INC.'S MOTION IN LIMINE TO  
EXCLUDE TESTIMONY FROM WITNESSES FOR WHOM DISCOVERY WAS NOT  
PROVIDED AND WHO WERE NOT PRODUCED FOR DEPOSITION**

On August 12, 2005, Defendant SM&P Utility Resources, Inc. filed a Motion in Limine to Exclude Testimony From Witnesses for Whom Discovery was Not Provided and Who Were Not Produced for Deposition. The Motion specifically identifies Witness Richard Delaney.<sup>1</sup> Defendant Gleason Construction Co., Inc. filed an Objection to SM&P's Motion in Limine to Exclude the Testimony of Richard Delaney on August 15, 2005. For reasons stated on the record, the Court DENIES SM&P Utility Resources Inc.'s Motion in Limine for reasons stated on the record.

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<sup>1</sup>The proper name of the witness is Richard Dulaney.

Accordingly,

IT IS ORDERED that Defendant SM&P's Utility Resources, Inc.'s Motion in Limine to Exclude Testimony From Witnesses for Whom Discovery was Not Provided and Who Were Not Produced for Deposition [**Docket No. 32, filed August 12, 2005**], is DENIED for reasons stated on the record.

IT IS FURTHER ORDERED that Defendant SM&P Utility Resources Inc. have the opportunity to interview or depose Witness Richard Delaney prior to his testimony at trial.

/s/ Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

DATED: August 22, 2005